

House Resolution 1104

By: Representative Smith of the 168th

A RESOLUTION

1 Compensating Mr. David Rideout and providing for a state income tax exclusion with respect
2 to such compensation; and for other purposes.

3 WHEREAS, in March of 2007, David Rideout engaged in land clearing activities on his
4 Treutlen County property and was advised by the Georgia Department of Natural Resources
5 that his activities violated certain regulations with regard to Code Section 12-7-6(b)(15) by
6 encroaching on the required 25 foot buffer along state waters in two places on his property;
7 and

8 WHEREAS, on April 18, 2007, Mr. Rideout was advised by the investigating DNR
9 employee that he was to submit a rehabilitation plan and pay a fine of \$16,894.00; and

10 WHEREAS, Mr. Rideout continued to argue that his activities were exempt from certain
11 requirements within the Act as his activities were related to his reforestation efforts; and

12 WHEREAS, on June 19, 2007, David Rideout agreed to pay the Georgia Department of
13 Natural Resources a \$5,900.00 fine in order to resolve the dispute; and

14 WHEREAS, on August 30, 2007, Mr. Rideout read an article in that day's edition of *The*
15 *Florida Times Union* newspaper detailing an ongoing dispute between the Georgia
16 Department of Natural Resources and a "developer" regarding a tract of McIntosh County
17 land outlining a similar situation involving a 25 foot buffer and whether the activities of the
18 "developer" qualified for an exemption; and

19 WHEREAS, upon further investigation and meeting with the Department of Natural
20 Resources employee and his supervisor and in light of the *Florida Times Union* newspaper
21 article it was determined that Mr. Rideout had been wrongfully fined and he should be
22 refunded the amount of his fine of \$5,900.00; and

1 WHEREAS, the Department of Natural Resources does not have a mechanism for refunding
2 the fine, it is only fitting and proper that Mr. Rideout be compensated for his loss.

3 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
4 GEORGIA that the Department of Natural Resources is authorized and directed to pay the
5 sum of \$5,900.00 to Mr. David Rideout as compensation as herein provided. Said sum shall
6 be paid from funds appropriated to or available to the Department of Natural Resources and
7 shall be in full and complete satisfaction of all claims against the state arising out of said
8 occurrence and shall be paid subject to the provisions of this resolution.

9 BE IT FURTHER RESOLVED that any amount received by Mr. David Rideout pursuant to
10 this resolution shall be excluded from his taxable net income for state income tax purposes.